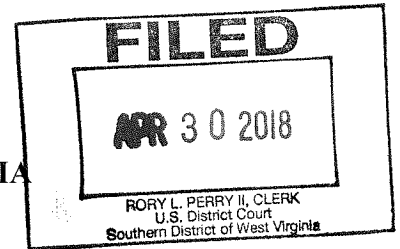


IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION



CYNTHIA D. NOROSKY,

Plaintiff,

v.

CIVIL ACTION NO.: 2:18-cv-00748

CORALICIOUS INCORPORATED
and LEWIS RHINEHART,

Defendants.

NOTICE OF REMOVAL

NOW COME the Defendants, Coralicious Incorporated and Lewis Rhinehart, (collectively “Defendants”), by and through counsel, Ashley W. French and the law firm of Cipriani & Werner, P.C., pursuant to 28 U.S.C. § 1446, and hereby gives notice that, on the grounds set forth below, it is removing the above styled action from the Circuit Court of Fayette County, West Virginia to the United States District Court for the Southern District of West Virginia. In support, Defendants state as follows:

1. This civil action was commenced by Cynthia D. Norosky (“Plaintiff”), against Defendants on or about April 10, 2018, by the filing of a Complaint in the Circuit Court of Fayette County, West Virginia, designated Civil Action No. 18-C-74 (B). (*See* Summons and Complaint attached hereto as “**Exhibit 1**”).

2. This Notice of Removal is being filed within thirty (30) days after the receipt by Defendants of the Complaint filed by the Plaintiff, which, for the first time, raises claims removable to the United States District Court for the Southern District of West Virginia. *See* 28 U.S.C. § 1446(b).

3. The pleadings allege a cause of action to recover damages for unpaid wages/overtime under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §201, *et seq.*) (hereafter referred to as “the Act” or “FLSA”). The pleadings allege the Defendants deprived the Plaintiff of rights secured to her by the Constitution of the United States.

4. The pleadings allege a federal question giving this Court original jurisdiction pursuant to 28 U.S.C. § 1331.

5. The Plaintiff in her Complaint has asserted claims for compensatory damages, punitive damages, and seeks an award for costs and expenses, including attorney fees pursuant to FLSA.

6. This action is removable because the District Courts of the United States would have jurisdiction pursuant to 28 U.S.C. § 1331 and 1343.

7. In accordance with 28 U.S.C. § 1446(a), the Summons and the Complaint constitute all the process, pleadings and orders served upon them affecting removal. (*See* “**Exhibit 1**”). A certified copy of the Docket Sheet for Civil Action No. 18-C-74 (B) in the Circuit Court of Fayette County, West Virginia, is attached hereto as “**Exhibit 2.**”

8. A true and correct copy of this “Notice of Removal” will be filed promptly with the Circuit Clerk of Fayette County, West Virginia, and written notice thereof given to counsel for Plaintiff in accordance with 28 U.S.C. § 1446(b). The “Notice to Plaintiff and Circuit Court of Filing of Notice for Removal” is attached hereto as “**Exhibit 3.**”

9. The removal of the above-captioned civil action from the Circuit Court of Fayette County to the United States District Court of the Southern District of West Virginia is proper.

WHEREFORE, Defendants pray that the service and the filing in this Honorable Court of this Notice of Removal, and also the service upon the Plaintiff and the filing in the Circuit Court of

Fayette County, West Virginia, a notice to Plaintiff and the Circuit Court of the filing of this Notice of Removal (which includes an attached copy of this Notice of Removal) shall effect the removal of this action from the Circuit Court of Fayette County, West Virginia, to the United States District Court for the Southern District of West Virginia and said State Court may proceed no further with this action.

Dated: April 27, 2018.

Respectfully submitted,

/s/ Ashley W. French

Ashley W. French (WVSB #9060)
CIPRIANI & WERNER, PC
500 Lee Street East, Suite 900
Charleston, West Virginia 25301
Phone: 304-341-0500
Fax: 304-341-0507
Counsel for Defendants

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

CYNTHIA D. NOROSKY,

Plaintiff,

v.

CIVIL ACTION NO.: 18-C-74 (B)

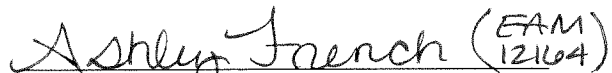
CORALICIOUS INCORPORATED
and LEWIS RHINEHART,

Defendants.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing “*Notice to Plaintiff and Circuit Court of Filing of Notice of Removal*” was served via US Mail, this 27th day of April, 2018 to the following:

Mark A. Toor, Esquire
10 Hale Street, 2nd Floor
Charleston, West Virginia 25301


Ashley W. French (WVSB#9060)